

APPLICANT(S): HERSHKOVITS, Yehuda et al.
SERIAL NO.: 09/986,452
FILED: November 8, 2001
Page 4

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 28-34 are pending in the application. Claims 28-34 have been rejected. Claim 28 has been canceled without prejudice to being included in a future amendment, a divisional or other application. Claims 29-33 have been amended in this amendment.

Information Disclosure Statement

Applicants thank the Examiner for acknowledging review of all of the references cited in the Information Disclosure Statement.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

The Examiner has rejected claim 28 as anticipated by US Published Patent Application 2002/0078395A1 (Wachel). In light of the cancellation of claim 28, this rejection is moot.

The Examiner has rejected claims 29 through 34 under Section 102(e) as anticipated by US Published Patent Application 2003/0065733A1 (Pecone). Pecone does not anticipate the present claims for at least two reasons. First, Pecone cannot serve as an anticipatory reference under Section 102(e) because Applicants are able to demonstrate invention prior to Pecone's filing date. Secondly, even if Pecone could serve as prior art, it would not

APPLICANT(S): HERSHKOVITS, Yehuda et al.
SERIAL NO.: 09/986,452
FILED: November 8, 2001
Page 5

anticipate the present claims because as demonstrated below, it does not teach each and every element of the pending claims.

Applicants Have Sworn Behind the Pecone Reference

Section 102(e) states that a published application may serve as an anticipatory reference if it discloses a claimed invention and was filed before the invention thereof by the applicant. Under 37 C.F.R. § 1.131(a), an applicant may demonstrate invention prior to the effective date of the reference by submitting an appropriate oath of declaration. Section 1.131(b) provides that showing of facts shall be such as to establish reduction to practice prior to the effective date of the reference.

The effective reference date of the Pecone reference is its filing date, September 28, 2001. As established by the Declaration of Yehuda HersHKovits, submitted herewith, the present invention was reduced to practice at least as early as August 24, 2001, well before the effective filing date of the Pecone reference.

As recited in the accompanying declaration, the Applicants had disclosed the present invention to their attorney, Mr. Jerome Smith. Subsequently, Mr. Smith had drawings prepared according to the disclosure of the invention. In a fax dated August 24, 2001, Mr. Smith sent the draft drawings to Applicants for their approval. The drawings show that Applicants were in possession of the invention as of August 24, 2001, the date by which they had sufficiently described the invention to enable one of ordinary skill in the art to make and use the invention.

Applicants have demonstrated that they reduced the present invention to practice prior to the effective date of the Pecone reference. As such, Applicants respectfully request that Pecone be removed as a reference.

The Pecone Reference Does Not Disclose the Subject Matter of the Pending Claims

In any event, even if Pecone were considered prior art against the present application, which it should not, the disclosure does not anticipate the pending claims. Pecone discloses:

APPLICANT(S): HERSHKOVITS, Yehuda et al.
SERIAL NO.: 09/986,452
FILED: November 8, 2001
Page 6

A network storage controller for transferring data between a host computer and a storage device, such as a redundant array of inexpensive disks (RAID), is disclosed. The network storage controller includes at least one channel interface module which is adapted to be connected to the host computer and storage device. The channel interface module is connected to a passive backplane, and selectively transfers data between the host computer and storage device and the passive backplane. The network storage controller also includes at least one controller memory module, attached to the passive backplane. The controller memory module communicates with the channel interface module via the passive backplane, and processes and temporarily stores data received from the host computer or storage device. In applications where redundancy is required, at least two controller memory modules and at least two channel interface modules are used. The controller memory modules may mirror data between one another using the passive backplane and a shared communication path on the channel interface modules, thereby substantially avoiding the use of host or disk channels to mirror data. The channel interface modules are operable to selectively connect the host computer or storage device to one or more controller memory modules. The controller memory modules may include a DMA engine to facilitate the transfer of mirrored data. (Abstract)

First, Pecone states that the invention disclosed therein is "related to network storage controllers, an in particular, to a network storage controller utilizing redundant modular components with the data processing functions independent of the I/O interface." (para. 1). In this field of art, Pecone teaches connecting a computer with a storage device using a passive backplane having a number of data buses, which may be PCI-X buses. (paras. 13, 16). Pecone does not deal with telecommunications transmissions, as stated in the pending claims at all, nor does the Examiner show that Pecone teaches any method of transferring telecommunications transmissions or a rear card of a telecommunications device.

APPLICANT(S): HERSHKOVITS, Yehuda et al.
SERIAL NO.: 09/986,452
FILED: November 8, 2001
Page 7

Despite the unrelated field to which the disclosure of Pecone is directed, the Examiner has stated that the channel interface module (CIM, see Fig. 6, reference 136, 140) corresponds to the rear card of the pending claims and that the controller memory modules (CMM, see Fig. 6, references 104, 108). However, Applicants respectfully submit that the CIM and CMM are not identical or analogous to a rear card and front card at least for the reason that the CIM and CMM do not have the relationship claimed in pending claim 1.

The Pecone reference states that "[e]ach CMM has two backplane interfaces. The system has a passive bus backplane, which has two buses for each CMM. In the embodiment shown, the passive bus backplane uses next generation [PCI-X] buses, although it will be understood that any bus technology may be used . . ." (p. 4 col. 1). Moreover, "[e]ach CIM has two CIM bus interface ports. On each CIM, one CIM bus interface port connects to one bus which is connected to CMM-A, and one CIM bus interface port connects to one bus which is connected to CMM-B via CIM bus connections." (p. 4 col. 2). That is, each CMM is connected to a bus, allowing each CIM to communicate with each CMM.

Unlike Pecone, according to the present claim, the rear card is connected via a through connection to its corresponding front card. Thus, there are numerous differences between the present claims and Pecone. For example, there is no association between each CMM and each CIM; there may be any number of CMMs and any number of CIMs. In contrast, according the claim, said rear card has a corresponding front card.

While not necessary for purposes of patentability, the claims have amended to clarify this distinction. That is, the claims clarify that the rear card is connected to a front card via a through connection. This is nowhere disclosed, implicitly or explicitly, by Pecone. On the contrary, Pecone discloses connecting the CMMs to the CIMs by a bussed connection, not a through connection. Nor is there any suggestion in Pecone to modify the teachings to connect a CIM to a CMM via a through connection.

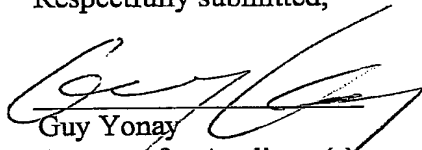
In view of the foregoing amendments and remarks, pending claims 29-34 are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

APPLICANT(S): HERSHKOVITS, Yehuda et al.
SERIAL NO.: 09/986,452
FILED: November 8, 2001
Page 8

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,


Guy Yonay
Attorney for Applicant(s)
Registration No. 52,388

Dated: March 22, 2004

Eitan, Pearl, Latzer & Cohen Zedek, LLP.
10 Rockefeller Plaza, Suite 1001
New York, New York 10020
Tel: (212) 632-3480
Fax: (212) 632-3489